

Service: **Get by LEXSTAT®**

TOC: Michigan Compiled Laws Service, Constitution, Court Rules & ALS, Combined > /.../ > EMERGENCY MEDICAL CARE AND MASS IMMUNIZATION > § 691.1501. Physicians, physician's assistant, or nurses rendering emergency care or determining fitness to engage in competitive sports; liability for acts or omissions; definitions.

Citation: **MCLS § 691.1501**

MCLS § 691.1501

MICHIGAN COMPILED LAWS SERVICE
Copyright (c) 2003 by Matthew Bender & Company, Inc.
one of the LEXIS Publishing companies
All rights reserved

*** THIS DOCUMENT IS CURRENT THROUGH P.A. 361, 9/30/04 ***
*** WITH THE EXCEPTION OF P.A. 359 ***

CHAPTER 691 JUDICIARY
EMERGENCY MEDICAL CARE AND MASS IMMUNIZATION

◆ **GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

MCLS § 691.1501 (2004)

MCL § 691.1501

§ 691.1501. Physicians, physician's assistant, or nurses rendering emergency care or determining fitness to engage in competitive sports; liability for acts or omissions; definitions.

Sec. 1. (1) A physician, physician's assistant, registered professional nurse, or licensed practical nurse who in good faith renders emergency care without compensation at the scene of an emergency, if a physician-patient relationship, physician's assistant-patient relationship, registered professional nurse-patient relationship, or licensed practical nurse-patient relationship did not exist before the emergency, is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, or licensed practical nurse in rendering the emergency care, except acts or omissions amounting to gross negligence or willful and wanton misconduct.

(2) A physician or physician's assistant who in good faith performs a physical examination without compensation upon an individual to determine the individual's fitness to engage in competitive sports and who has obtained a form described in this subsection signed by the individual or, if the individual is a minor, by the parent or guardian of the minor, is not liable for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions amounting to gross negligence or willful and wanton misconduct or which are outside the scope of the license held by the physician or physician's assistant. The form required by this subsection shall contain a statement indicating that the person signing the form knows that the physician or physician's assistant is not necessarily performing a complete physical examination and is not liable under this section for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or omissions amounting to gross negligence or willful and wanton misconduct or which are outside the scope of the license held by the physician or physician's assistant.

(3) A physician, physician's assistant, registered professional nurse, or licensed

practical nurse who in good faith renders emergency care without compensation to an individual requiring emergency care as a result of having engaged in competitive sports is not liable for civil damages as a result of acts or omissions by the physician, physician's assistant, registered professional nurse, or licensed practical nurse in rendering the emergency care, except acts or omissions amounting to gross negligence or willful and wanton misconduct and except acts or omissions that are outside the scope of the license held by the physician, physician's assistant, registered professional nurse, or licensed practical nurse. This subsection applies to the rendering of emergency care to a minor even if the physician, physician's assistant, registered professional nurse, or licensed practical nurse does not obtain the consent of the parent or guardian of the minor before the emergency care is rendered.

(4) As used in this act :

(a) "Competitive sports" means sports conducted as part of a program sponsored by a public or private school that provides instruction in grades kindergarten through 12 or a charitable or volunteer organization. Competitive sports do not include sports conducted as part of a program sponsored by a public or private college or university.

(b) "Licensed practical nurse" means an individual licensed to engage in the practice of nursing as a licensed practical nurse under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(c) "Physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of The public health code, 1978 PA 368, MCL 333.16101 to 333.18838 .

(d) "Physician's assistant" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery performed under the supervision of a physician as provided in article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(e) "Registered professional nurse" means an individual licensed to engage in the practice of nursing under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838 .

HISTORY: Act 17, 1963, p 21; eff September 6, 1963.

Pub Acts 1963, No. 17, § 1, eff September 6, 1963; amended by Pub Acts 1964, No. 60, imd eff May 12, 1964; 1978, No. 50, imd eff March 9, 1978; 1987, No. 30, imd eff May 26, 1987.

Amended by Pub Acts 2002, No. 543, imd eff July 26, 2002.

NOTES:

Editor's notes:

Pub Acts 2002, No. 543, enacting § 1, eff July 26, 2002, provides as follows:

"Enacting section 1. This amendatory act applies to a cause of action arising on or after the effective date of this amendatory act."

Effect of amendment notes:

The 2002 amendment in subsection (1) inserted "physician's assistant," in two places and "without compensation", substituted "if" for "where" following "an emergency,", inserted "physician's assistant-patient relationship,", deleted "the advent of" following "exist before", substituted "is" for "shall" following "the emergency,", deleted "be" preceding "liable for"; in subsection (2) inserted "or physician's assistant" in three places, deleted commas following "examination", "compensation", and "the physician", substituted "form described in this subsection" for "statement", inserted "by" following "a minor" and "is not liable for civil damages as a result of acts or omissions by the physician or physician's assistant in performing the physical examination, except acts or

omissions amounting to gross negligence or willful and wanton misconduct or which are outside the scope of the license held by the physician or physician's assistant. The form required by this subsection shall contain a statement indicating", substituted "form" for "statement", inserted "under this section", "physical" following "performing the", and "physician's assistant."; designated a portion of the first sentence and all the second sentence as subsection (3); in subsection (3) inserted "A", and "physician's assistant," in four places, deleted commas following "emergency care" and "compensation", substituted "emergency" for "such" following "requiring" and "is" for "shall" following "sports", deleted "be" preceding "liable" and "physician in performing the physical examination or acts or omissions by the" following "omissions by the", substituted "that" for "which" following "or omissions", "applies" for "shall apply", and "a minor" for "minors"; redesignated former subsection (3) as subsection (4); in subsection (4) in the introductory paragraph substituted "act" for "section", in paragraph (a) substituted "that" for "which" following "school" and "do" for "does" following "sports", in paragraphs (b) and (c) change style of statutory reference; and in paragraph (c) inserted "engage in the", "of" following "practice", and "the practice of" preceding "osteopathic"; added paragraph (d); redesignated former paragraph (d) as paragraph (e); and in paragraph (e) changed style of statutory reference.

Michigan Digest references:

Hospitals §§ 11, 12

Medicine and Surgery §§ 77, 78.50

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Physicians and Surgeons § 62

ALR notes:

Construction of "Good Samaritan" statute excusing from civil liability one rendering care in emergency, 39 ALR3d 222.

Liability for injury or death allegedly caused by activities of hospital "rescue team," 64 ALR4th 1200.

Construction and application of "Good Samaritan" statutes, 68 ALR4th 294.

Research references:

61 Am Jur 2d, Physicians, Surgeons, and Other Healers § 306

Legal periodicals:

Braden, Constitutional Tort Liability, 76 Mich Bar J 680 (1997).

Payne, Linking Tort Reform to Fairness and Moral Values, 1995 Det C L Rev 1207.

Benner, Legal aspects of providing medical care for the aged: The perspective of a hospital attorney, 6 MPEPJ 92 (1987).

Good samaritan statutes: Time for uniformity, 27 Wayne L Rev 217 (1980).

Service: **Get by LEXSTAT®**

TOC: Michigan Compiled Laws Service, Constitution, Court Rules & ALS, Combined > /.../ >

EMERGENCY MEDICAL CARE AND MASS IMMUNIZATION > § 691.1501. **Physicians, physician's assistant, or nurses rendering emergency care or determining fitness to engage in competitive sports; liability for acts or omissions; definitions.**

Citation: **MCLS § 691.1501**

View: Full

Date/Time: Tuesday, November 16, 2004 - 10:33 AM EST